


# **GREENWOOD CREEK BRIDGE REPLACEMENT PROJECT**

## **Draft Subsequent Initial Study**

Route 1  
Kilometer Posts 53.1/54.7 (Post Miles 33.0/34.0)  
Mendocino County  
EA 310100



**December 2003**

  
JOHN D. WEBB, Chief  
North Region Environmental Services  
Department of Transportation

*November 24, 2003*  
Date of Approval

# **General Information About This Document**

## ***What's in this document?***

This document is a Subsequent Initial Study (IS), which examines the potential environmental impacts to cultural resources of alternatives for the proposed project located in Mendocino, California. The document describes why the project is being proposed, the existing environment that could be affected by the project, potential impacts to cultural resources from the project, and measures to mitigate impacts.

## ***What should you do?***

- Please read this Subsequent IS.
- We welcome your comments. If you have any concerns regarding the proposed project, please send your comments to Caltrans by the deadline.

Submit comments via regular mail to:

Caltrans District 3 Sacramento Area Office  
Office of Environmental Management, S-1  
2389 Gateway Oaks Drive  
Sacramento, CA 95833  
ATTN: Ken Lastufka, Associate Environmental Planner

Submit comments via email to [ken\\_lastufka@dot.ca.gov](mailto:ken_lastufka@dot.ca.gov).

- Submit comments by the deadline: January 9, 2003.

## ***What happens after this?***

After comments are received from the public and reviewing agencies, Caltrans may (1) give environmental approval to the proposed project, (2) undertake additional environmental studies, or (3) abandon the project. If the project were given environmental approval and funding were appropriated, Caltrans could design and construct all or part of the project.

For individuals with sensory disabilities, this document is available in Braille, large print, on audiocassette, or computer disk. To obtain a copy in one of these alternate formats, please call or write to Caltrans, Attn: Ken Lastufka, Office of Environmental Management, S-1, 2389 Gateway Oaks Drive, Sacramento, CA 95833; (916) 274-0586 Voice, or use the California Relay Service TTY number, 1-800-735-2929.

**Note: Original dimensions in Subsequent IS are in metric. English dimensions are approximate.**

## Subsequent Negative Declaration

Pursuant to: Division 13, Public Resources Code

### *Project Description*

The California Department of Transportation (Caltrans) proposes to replace the existing Greenwood Creek Bridge with a new, two-lane bridge with 3.6 meters (12 foot) lanes, 2.4 meter (8 foot) shoulders and an overall length of 169 meters (554 feet). Route 1 will be realigned to connect the new bridge at both the north and south approaches. The existing Greenwood Creek Bridge is located on Route 1 in Mendocino County, approximately half a mile south of the town of Elk.

In December 2002, the California Department of Transportation (Caltrans) approved a Negative Declaration for the proposed Greenwood Creek Bridge Replacement Project. Subsequent to approval of the Negative Declaration, in August 2003, Caltrans completed a revision of the 1986 historic bridge inventory. Because of the revision, the Greenwood Creek Bridge was determined to be eligible for listing in the National Register of Historic Places, which necessitates a Section 106 evaluation under the National Historic Preservation Act. The original environmental document and Historic Property Survey Report used the data from the 1986 historic bridge inventory and concluded that the bridge was not eligible.

As a result of this late discovery, Caltrans received Section 106 concurrence from the State Office of Historic Preservation in October 2003. The purpose of this Subsequent Negative Declaration is to determine the potential significant impacts associated with the bridge eligibility determination under Section 106 and to incorporate appropriate mitigation measures into the project design as necessary to avoid, minimize or mitigate the significant or potentially significant effect of the project. The original project scope, schedule, and cost have not changed as a result of this late discovery.

### *Determination*

Caltrans has prepared a Subsequent Initial Study, and determines from this study that the proposed project would not have a significant effect on the environment for the following reasons:

- Potential impacts to cultural resources will be mitigated through compliance with the mitigation measures listed in the attached Subsequent Initial Study.

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JOHN D. WEBB  
Office Chief  
North Region Environmental Services  
California Department of Transportation

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Date

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- Attachment 1:     Figures (Location Map, Project Features, Views of Existing Bridge)
- Attachment 2:     Letter From the California State Office of Historic Preservation (SHPO) Regarding  
the Determination of Eligibility for the Greenwood Creek Bridge
- Attachment 3:     Memorandum of Agreement Between the Federal Highway Administration and the  
SHPO Officer Regarding the Replacement of the Greenwood Creek Bridge

## **Project Description**

The project proposes to replace the existing Greenwood Creek Bridge (Bridge #10-123) along State Route 1, which is 154 meters (505 feet) long and 7.9 meters (26 feet) wide, with a new concrete box girder bridge structure, 169 meters (554 feet) long and 13.1 meters (43 feet) wide (Attachment 1). Caltrans has identified Greenwood Creek Bridge as “Scour Critical.” Bridge scour can occur when the creek floods and erodes the bridge footings and piers. Caltrans and the Federal Highway Administration (FHWA) have made replacing this bridge a priority.

As recommended by Caltrans Structures, the new bridge will be longer and wider than the existing bridge. The bridge replacement will provide a 2.4-meter (8 foot) shoulder on both sides and a bridge rail for bicycle traffic. Bridge rails will be upgraded to current standards using Type 80 concrete “see-through” rail with hand railing for bike traffic. The centerline of the new bridge will be shifted approximately 12.2 meters (40 feet) east of the existing bridge. State Route 1 will be realigned to the east to connect the approaches of the new bridge. The realignment will extend approximately 305 meters (1,000 feet) north and south of the bridge.

In December 2002, the California Department of Transportation (Caltrans) approved a Negative Declaration and FHWA approved a Finding of No Significant Impacts for the proposed Greenwood Creek Bridge Replacement Project. The public review period closed on June 20, 2002, and Caltrans received comments from members of the public and several state agencies. In April and May 2003, Caltrans submitted permit applications to the California Department of Fish and Game, North Coast Regional Water Quality Control Board, United States Army Corps of Engineers, Mendocino County and California Coastal Commission for necessary project permits.

Subsequent to the completion of the permit application process, in August 2003, Caltrans completed a revision of the 1986 statewide historic bridge inventory. Because of the revision, the Greenwood Creek Bridge was determined to be eligible for listing in the National Register of Historic Places, which necessitates a Section 106 evaluation under the National Historic Preservation Act. The original environmental document and Historic Property Survey Report used the data from the 1986 historic bridge inventory and concluded that the bridge was not eligible. The original project scope, schedule, and cost have not changed as a result of this late discovery.

On October 8, 2003, Caltrans received concurrence from the State Office of Historic Preservation (SHPO) that the Greenwood Creek Bridge is eligible for inclusion in the National Register of Historic Places (Attachment 2). On November 5, 2003, a Memorandum of Agreement (MOA) between Caltrans, FHWA and SHPO was finalized and signed (Attachment 3), completing the Section 106 process.

The purpose of the Subsequent Negative Declaration is to determine the potential significant impacts associated with the bridge eligibility determination under Section 106 and to incorporate appropriate

mitigation measures into the project design as necessary to avoid, minimize or mitigate the significant or potentially significant effect of the project.

## **Purpose and Need**

The existing Greenwood Creek Bridge is located on State Route 1 in Mendocino County, approximately half a mile south of the town of Elk. At the project location, Route 1 is a two-lane conventional route with 3.6 meter (12 foot) lanes and narrow paved shoulders ranging from 0 meters (0 feet) to 1.22 meters (4 feet). The horizontal alignment is winding and the vertical alignment is mountainous, with moderate to steep grades. Greenwood Creek Bridge is a five-span, reinforced concrete box girder structure supported on reinforced concrete seat abutments and piers. Abutment 1 is on a spread footing. This structure, constructed in 1956, has a clear width (lanes and shoulders) of 7.9 meters (26 feet). The existing bridge is approximately 154 meters (505 feet) in length and is approximately 24 meters (80 feet) in height.

**Purpose:** The purpose of the project is to replace the Greenwood Creek Bridge with a new, two-lane bridge with 3.6 meter (12 foot) lanes and 2.4 meter (8 foot) shoulders and an overall length of 169 meters (554 feet). The new bridge will be constructed parallel to the eastside of the existing bridge, and Route 1 will be realigned to connect the new bridge at both the north and south approaches.

**Need:** Greenwood Creek Bridge is listed as structurally deficient in the Caltrans Maintenance Bridge Report for District 1. Potential scour is threatening the substructure. Extensive substructure modifications are required, the deck needs to be rehabilitated, and the bridge rails need to be upgraded. Additionally, the clear width of the existing structure is less than the minimum required width based upon current average daily traffic, and therefore does not provide standard shoulder widths.

The existing bridge is scour critical and the foundations are determined to be unstable for the scour conditions. The existing deck has a history of yielding and raveling asphalt. There are multiple medium shear cracks in the exterior girders near both abutments. The asphalt deck surface is generally in rough condition, with numerous existing patches, especially in the northbound lane and near the centerline southbound. There is no seal in the joint at Abutment 6. In addition, there are heavy alligator pattern cracks in the asphalt approach at Abutment 1. The July 1999 Structure Replacement and Improvement Need report lists Greenwood Creek Bridge as structurally deficient. Unless corrective action is taken, the bridge will require an increasing maintenance effort and will eventually fail.

State Route 1 is part of the Pacific Coast Bike Route. The current bridge lacks adequate shoulder width to separate bicycles from motorists, diminishing available capacity of the existing two-lane structure. Currently, there is only 0.3 meter (0.9 foot) of travel way for bicycle traffic on the existing 7.9 meter (26 foot) clear width. The bridge replacement will provide a bridge rail approved for

bicycle traffic and additional shoulders to improve safety for pedestrian and bicycle traffic on the bridge.

The current two-lane bridge restricts turning movements for large-capacity vehicles at both ends of the bridge. In addition, future permitting capacity of the existing bridge will be lower due to deteriorating conditions of the existing bridge. Lowering the permit loads will impact the ability to move larger and heavier truck loads along the coast and prevent the ability to meet the needs of pedestrian and bicycle users.

## **Project Alternatives**

### ***No Build Alternative***

Under the No-Build Alternative, the existing bridge would be retained in the existing use. Although this alternative would not result in environmental impacts, it would not achieve the basic purpose and need of the proposed project, which is to improve bridge safety and reduce long-term maintenance costs.

### ***Alternative 3 (Replacement of Existing Bridge)***

Alternative 3 proposes replacement of the entire structure. This alternative would shift the centerline alignment to the east by more than 12.2 meters (40 feet) thus avoiding park land impacts to the Greenwood State Beach Park, which is located on the west side of the existing bridge. The width would be 13.3 meters (43.5 feet). The structure cost for Alternative 3 is approximately \$7 million.

A Supplemental Project Scope Summary Report that identified Alternative 3 as the preferred alternative was approved on September 8, 1999.

As a result of the full evaluation of environmental impacts, consideration of public workshop comments, and approval of the final environmental document, Alternative 3 was selected as the preferred alternative.

### ***Alternatives Considered and Withdrawn (Alternative 2)***

Alternative 2 proposed to widen the existing Greenwood Creek Bridge, rehabilitate the bridge deck, footings, and upgrade the bridge railings. This alternative would shift the centerline alignment eastward by 2.08 meters (6.8 feet). Caltrans rejected Alternative 2 for the following reasons:

- Alternative 2 would result in more biological impacts. The four existing footings, including those in the creek, would have to be excavated and strengthened by increasing the footings. An increase in piles would be required for the increased size in footing. Four new footings/piles and piers would have to be added adjacent and east of the existing footings to handle the bridge widening. In addition, the pier columns would have to be reinforced for seismic

concerns. All of this additional construction work near and in the creek would prolong the construction period.

- The cost for Alternative 2 was estimated to be \$8.5 million, which is higher than the cost for Alternative 3.
- Alternative 2 could have required time consuming and extensive traffic control measures during bridge construction activity. Alternative 2 would have required 24-hour lane closures with construction work adjacent to live traffic on the bridge.

A Project Scope Summary Report for this alternative was approved in October 16, 1997. However, due to erosion problems at the piers and the potential for the bridge to fail, a Supplemental Project Scope Summary Report (September 8, 1999) was approved that proposed replacement of the existing Greenwood Creek Bridge (Alternative 3).

## **Affected Environment**

The current Greenwood Creek Bridge was constructed in 1956. In 2001, Caltrans evaluated the bridge and found it ineligible for National Register of Historic Places (NRHP) listing. The bridge was evaluated again in 2003, as part of the statewide historic bridge survey update, and found eligible for National Register listing. Because of this change in the NRHP status of the bridge, the process for complying with Section 106 of the National Historic Preservation Act was reopened.

## **Environmental Evaluation**

In compliance with Section 106 of the National Historic Preservation Act, an Historic Property Survey Report (HPSR) was prepared for this project in 2001. No historic properties were identified within the Area of Potential Effect for this project. The State Historic Preservation Officer (SHPO) concurred on December 5, 2001, that no historic properties would be affected by the project.

The HPSR prepared in 2001 included an evaluation of the Greenwood Creek Bridge, and found the bridge to be ineligible for National Register listing. At that time, the bridge was 45 years old. The bridge was evaluated again in 2003, in the evaluation report for concrete box-girder bridges as part of the statewide historic bridge survey, and was found to be eligible for National Register listing. For the purposes of the statewide survey, bridges constructed prior to 1960 are being treated as meeting the 50-year criteria for National Register eligibility. The 2003 evaluation was based on considerably more context information than was available in 2001, as well as comparison with all other pre-1960 examples of this bridge type in California.

The Greenwood Creek Bridge meets National Register Criterion C, as one of the best examples of this bridge type from the pre-1960 period. The bridge's curved alignment, slim profile of the superstructure, cantilever of the bridge deck beyond the side walls of the 3-cell box-girder, single-

column, round bents, and relatively long spans give this structure a soaring, minimalist appearance which exemplifies the modernist aesthetic in bridge design. SHPO concurred with the conclusions of the concrete box-girder bridge report on October 8, 2003 (see Attachment 2).

An undertaking may have an adverse effect on an historic property when it may alter the characteristics that qualify the property for listing on the National Register of Historic Places (36 CFR §800.5). The proposed replacement of the Greenwood Creek Bridge will have an adverse effect, as it will result in the demolition of the historic bridge.

In November 2003, Caltrans, FHWA, SHPO signed a Memorandum of Agreement (MOA) including stipulations that will be followed in order to take into account the effects of the undertaking on historic properties. The stipulations include recordation and various administrative provisions (see Attachment 3).

### ***Discussion of Environmental Evaluation***

An environmental significance checklist was completed and the following potential impacts were identified:

#### **CULTURAL RESOURCES – Would the project:**

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

The proposed replacement of the Greenwood Creek Bridge will have an adverse affect, as defined in §15064.5, because it will result in the demolition of the historic bridge.

### **Mitigation**

1. As mitigation for the loss of this historic property, Caltrans proposes to record the bridge to Historic American Engineering Record (HAER) standards prior to demolition. Copies of the HAER documentation will be sent to the National Park Service, for inclusion in the Library of Congress, as well as the Caltrans Transportation Library and History Center in Sacramento and the Mendocino County Historical Society in Ukiah. Recordation format is outlined in the attached MOA.

### **Consultation and Coordination**

An Environmental Assessment/Initial Study and Finding of No Significant Impact/ Negative Declaration was completed for this project in December 2002. The initial Section 106 compliance for this project included consultation and coordination with several individuals and groups, including: the Anderson Valley Historical Society in Boonville; the Mendocino County Historical Society in Ukiah;

the Mendocino County Museum in Willits; the Mendocino Archaeological Commission; the Native American Heritage Commission; and Native American groups.

For the 2003 statewide historic bridge survey, numerous local governments and historical organizations were notified of the survey and invited to comment, including the Mendocino County Planning Department and the Mendocino County Historical Society, both in Ukiah. As of September 1, 2003, neither the county planning department nor the county historical society have commented on the bridge survey.

## **List of Preparers**

Ken Lastufka, Associate Environmental Planner, Caltrans District 3  
Cher Daniels, Environmental Branch Chief, Caltrans District 3  
Andrew Hope, Associate Environmental Planner (Architectural History), Caltrans Headquarters  
Jill Hupp, Associate Environmental Planner (106 Coordinator), Caltrans Headquarters

## **Public Review Process**

The environmental document will be circulated for public review and comment between December 10, 2003 and January 9, 2004. Public notices describing the project and announcing the availability of the draft environmental document will be published in the following newspapers:

- Fort Bragg Advocate News
- Mendocino Beacon
- Independent Coast Observer

The Draft Subsequent Initial Study will be made available for review at the following locations:

1. Mendocino County Planning and Building Dept.  
Ft. Bragg Office  
790 S. Franklin  
Fort Bragg, CA 95437
2. Mendocino County Library  
Ft. Bragg Branch  
499 Laurel St  
Fort Bragg, CA 95432
3. Elk Store  
6101 South Hwy 1  
Elk, CA 95432
4. Elk Post Office  
5995 South Hwy 1  
Elk, CA 95432

5. Caltrans District 1 Office  
1656 Union Street  
Eureka, CA 95501
6. Caltrans District 3 Office  
2389 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833

Written comments on the Subsequent IS can be sent via regular mail to:

Caltrans District 3 Sacramento Area Office  
Office of Environmental Management, S-1  
2389 Gateway Oaks Drive  
Sacramento, CA 95833  
ATTN: Ken Lastufka, Associate Environmental Planner

Submit comments via email to [ken\\_lastufka@dot.ca.gov](mailto:ken_lastufka@dot.ca.gov).

Submit your comments by the end of the 30-day comment period (January 5, 2004).

The original Environmental Assessment/Initial Study for this project is available at the Caltrans District 1 and District 3 offices. Please call Alan Escarda (707-441-2097) in Eureka or Ken Lastufka (916-274-0586) in Sacramento if you wish to obtain a copy.

## **ATTACHMENTS**

**Attachment 1: Figures**

**Attachment 2: Letter From the California State Office of Historic Preservation (SHPO) Regarding the Determination of Eligibility for the Greenwood Creek Bridge**

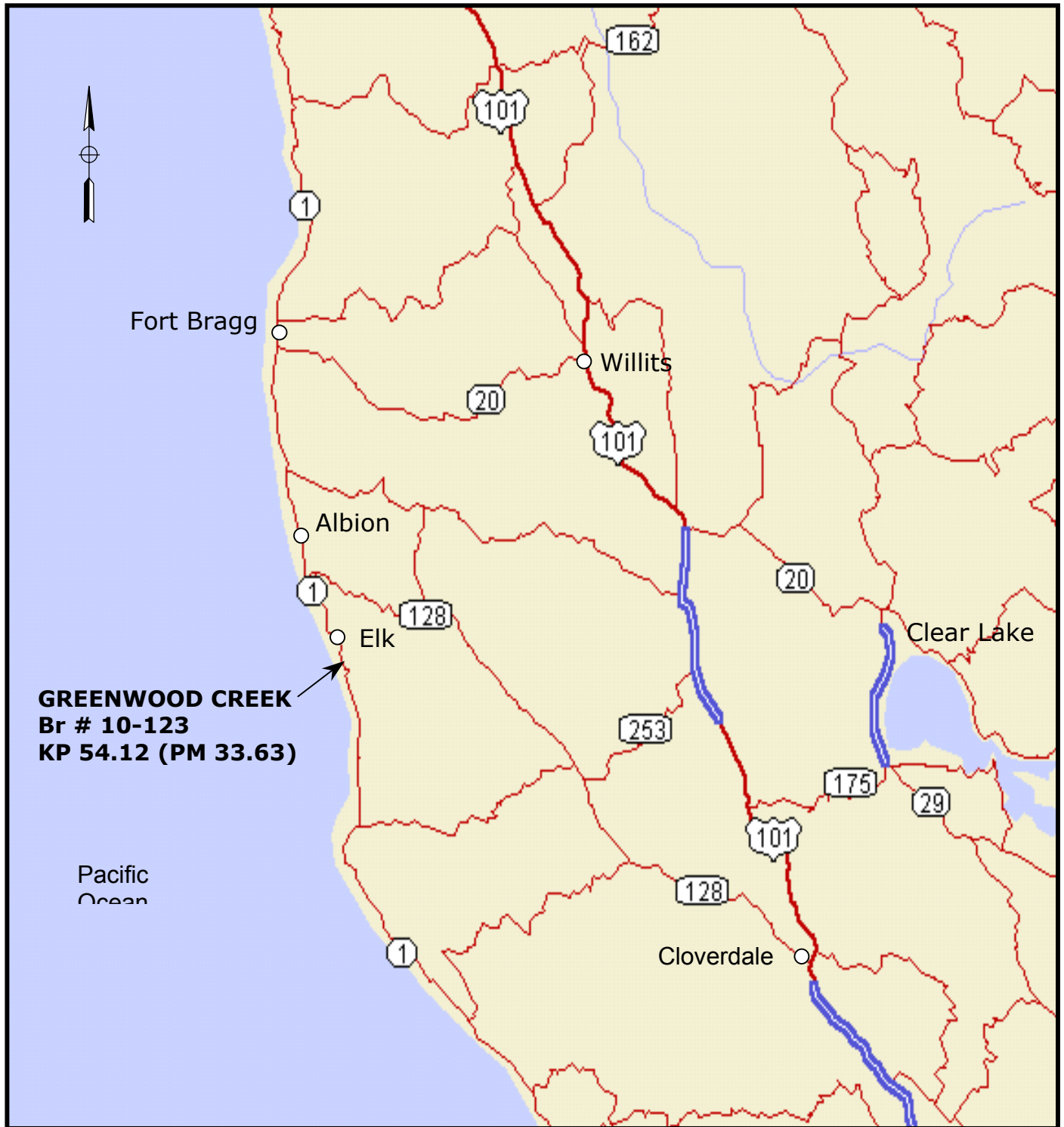
**Attachment 3: Memorandum of Agreement Between the Federal Highway Administration and the SHPO Officer Regarding the Replacement of the Greenwood Creek Bridge**

## **ATTACHMENT 1**

**Figure 1: Location Map**

**Figure 2: Project Features**

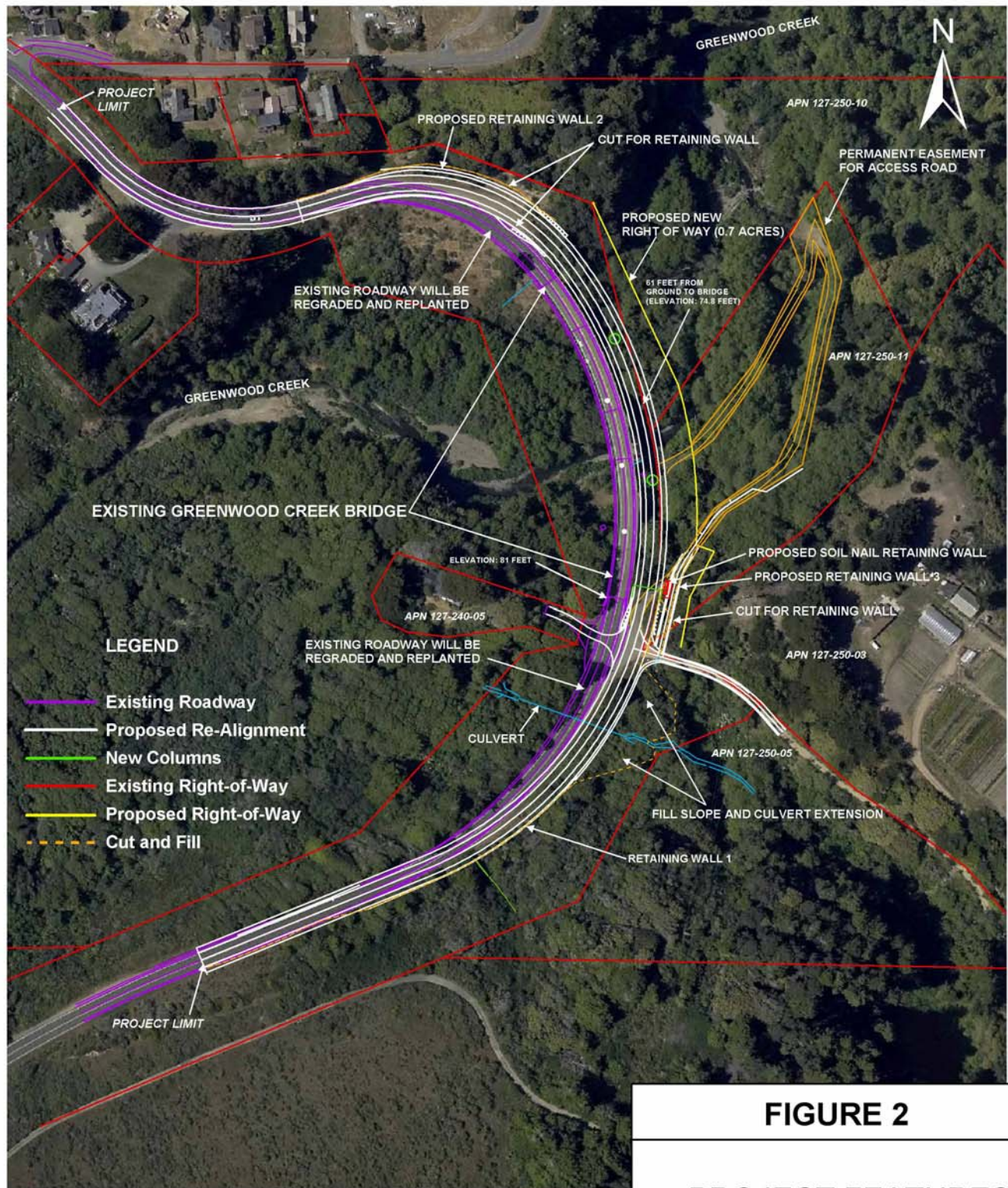
**Figure 3: Views of Existing Bridge**



**FIGURE 1**

PROJECT LOCATION

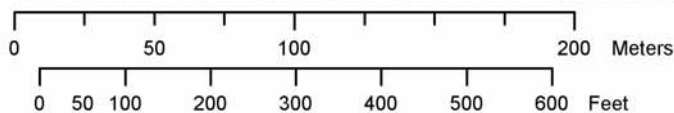
*Greenwood Creek Bridge Replacement*



**FIGURE 2**

## PROJECT FEATURES

*Greenwood Creek Bridge Replacement*





Looking south-east.



Looking north-east.



Existing rail on Greenwood Creek Bridge, looking north.

### FIGURE 3

#### VIEWS OF EXISTING BRIDGE

*Greenwood Creek Bridge Replacement*

## ATTACHMENT 2: SHPO Letter

STATE OF CALIFORNIA – THE RESOURCES AGENCY ..... GRAY DAVIS, Governor

### OFFICE OF HISTORIC PRESERVATION DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 942896  
SACRAMENTO, CA 94296-0001  
(916) 653-6624 Fax: (916) 653-9824  
calshpo@ohp.parks.ca.gov



October 8, 2003  
Reply To: FHWA010816A

Gary N. Hamby, Division Administrator  
U.S. Department of Transportation  
Federal Highway Administration  
California Division  
650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814

Re: Determination of Eligibility for the Greenwood Creek Bridge, Mendocino County, CA [HAD-CA FILE # 01-MEN-1-33.63, GREENWOOD CRK. BR. #10-123, DOCUMENT # P46596]

Dear Mr. Hamby:

Pursuant to Section 106 of the National Historic Preservation Act and implementing regulations codified at 36 CFR Part 800, FHWA has asked me to concur in its determination that the Greenwood Creek Bridge is eligible for inclusion in the National Register of Historic Places (NRHP). Thank you for consulting me.

This bridge was determined not to be NRHP eligible in December of 2001. However, it was subsequently re-evaluated as part of the "Historic Resources Evaluation Report for the Historic Bridge and Tunnel Survey Update, Concrete Box Girder Bridges, August 2003". Based on that re-evaluation, FHWA has now concluded that the bridge is NRHP eligible under criterion C as a distinct example of a pre-1960 box girder bridge designed with a modernist aesthetic. Characteristics which give the bridge a distinctive appearance include: the curved alignment; slim profile of the superstructure; cantilever of the bridge deck beyond the side walls of the three-cell box girder; single-column round bents; and relatively long spans for this bridge type.

Based on my review of the documentation submitted, I herewith concur in the FHWA's determination that the Greenwood Creek Bridge is eligible for inclusion in the NRHP under Criterion C.

Thank you for considering historic properties during project planning. If you have any questions, please call Natalie Lindquist at (916) 654-0631 and e-mail at [nlind@ohp.parks.ca.gov](mailto:nlind@ohp.parks.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Knox Mellon".

Dr. Knox Mellon  
State Historic Preservation Officer

## **ATTACHMENT 3: Memorandum of Agreement**

**MEMORANDUM OF AGREEMENT**  
**Between the Federal Highway Administration**  
**And the**  
**California State Historic Preservation Officer**  
**Regarding the Replacement of the**  
**Greenwood Creek Bridge (Bridge 10-0123)**  
**On Highway 1 near Elk, Mendocino County**

**WHEREAS**, the Federal Highway Administration (FHWA) has determined that replacement of the Greenwood Creek Bridge on Highway 1 in Mendocino County (undertaking) will have an adverse effect on the Greenwood Creek Bridge, a property determined eligible for inclusion in the National Register of Historic Places (NRHP); and

**WHEREAS**, FHWA has consulted with the California State Historic Preservation Officer (SHPO) and notified the Advisory Council on Historic Preservation (ACHP) of the effect finding pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (Act); and

**WHEREAS**, the California Department of Transportation (Caltrans) has participated in the consultation and has been invited to concur in this Memorandum of Agreement (MOA);

**NOW, THEREFORE**, FHWA and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties, and further agree that these stipulations shall govern the undertaking and all of its parts until this MOA expires or is terminated.

**STIPULATIONS**

FHWA shall ensure that the following stipulations are implemented:

**I. Recordation**

Prior to the start of any work that could adversely affect any characteristics that qualify the Greenwood Creek Bridge (bridge 10-0123) as an historic property, Caltrans shall ensure that the recordation measures specified in this stipulation are completed.

### **A. Photography and Construction Drawings**

1. Large-format (4" by 5" or larger negative size) photographs shall be taken showing the Bridge in context as well as details of its historic engineering features. Photographs shall be processed for archival permanence in accordance with the HAER photographic specifications. Views of the Bridge shall include:
  - a. Contextual views showing the Bridge in its setting;
  - b. Elevation views;
  - c. Views of the Bridge approaches and abutments;
  - d. Detail views of significant engineering and design elements.
2. Caltrans shall reproduce plans, elevations, and selected details from the original construction drawings for the Greenwood Creek Bridge, in 8 ½" by 11" format, for inclusion in the report cited in subsection B. of this stipulation.

### **B. Written Documentation following the NPS *HAER Guidelines for Preparing Written Historical and Descriptive Data*, September 1993.**

A written historical and descriptive report for the Greenwood Creek Bridge will be completed. This report will provide a physical description of the Bridge, discuss its construction and its significance under applicable NRHP criteria, and address the historical context for its construction following the format and instructions in the above-referenced HAER guidelines for written documentation

### **C. Distribution of Documentation**

Copies of the documentation prescribed in this stipulation shall upon completion be retained by Caltrans District 01, deposited in the Caltrans Transportation Library and History Center at Caltrans Headquarters in Sacramento, and offered to the Mendocino County Historical Society in Ukiah.

## **II. Administrative Provisions**

### **A. Professional Qualifications Standards**

FHWA shall ensure that actions prescribed by stipulation I., and any actions necessitated pursuant to stipulation II.B., are carried out by or under the direct supervision of a person or persons meeting at a minimum the "Secretary of the Interior's Professional Standards" (48 FR44738-44739) in the appropriate disciplines.

## **B. Unanticipated Discoveries**

If FHWA determines after construction has commenced, that the undertaking will affect a previously unidentified property that may be eligible for inclusion in the NRHP, FHWA will address the discovery in accordance with 36 CFR § 800.13(b)(3). FHWA may assume the discovered property to be eligible for the NRHP in accordance with 36 CFR § 800.13(c).

## **C. Resolving Objections**

1. Should any party to this MOA object at any time in writing to the manner in which the terms of this MOA are implemented, to any action carried out or proposed with respect to implementation of the MOA (other than the undertaking), or to any document prepared in accordance with and subject to the terms of the MOA, FHWA will immediately notify the other parties of the objection, request their comments on the objection within 15 days following receipt of FHWA's notification, and proceed to consult with the objecting party for no more than 30 days to resolve the objection. FHWA will honor the request of the other parties to participate in the consultation and will take any comments provided by those parties into account.
2. If the objection is resolved during the 30-day consultation period, FHWA may proceed with the disputed action in accordance with the terms of such resolution.
3. If after initiating such consultation, FHWA determines that the objection cannot be resolved through consultation, FHWA shall forward all documentation relevant to the objection to the ACHP, including FHWA's proposed response to the objection, with the expectation that the ACHP will within thirty (30) days after receipt of such documentation:
  - a. Advise FHWA that the ACHP concurs in FHWA's proposed response to the objection, whereupon FHWA will respond to the objection accordingly;
  - b. Provide FHWA with recommendations, which FHWA will take into account in reaching a final decision regarding its response to the objection; or
  - c. Notify FHWA that the objection will be referred for comment pursuant to applicable regulation, and proceed to refer the objection and comment. FHWA shall take the resulting comment into account in accordance with applicable regulation and Section 110(I) of National Historic Preservation Act.
4. Should the ACHP not exercise one of the above options within 30 days after receipt of all pertinent documentation, FHWA may assume the ACHP's concurrence in its proposed response to the objection.

5. FHWA shall take into account any ACHP recommendation or comment and any comments from the other parties to this MOA in reaching a final decision regarding the objection. FHWA's responsibility to carry out all actions under this MOA that are not the subjects of the objection shall remain unchanged.
6. FHWA shall provide all other parties to this MOA and the ACHP, if the ACHP has commented, with a copy of its final written decision regarding any objection addressed pursuant to this stipulation.
7. FHWA may authorize any action subject to objection under this stipulation to proceed after the objection has been resolved in accordance with the terms of this stipulation.
8. At any time during implementation of the terms of this MOA, should a member of the public raise an objection pertaining to the manner of such implementation, FHWA shall immediately notify the other parties in writing of the objection and take the objection into consideration. FHWA shall consult with the objecting party and, if the objecting party so requests, with the other parties to this MOA, for no more than 10 days. Within 5 days following closure of this consultation period, FHWA will render a decision regarding the objection and notify the other parties of its decision in writing. In reaching its decision, FHWA will take all comments from the other parties into consideration. FHWA's decision regarding resolution of the objection will be final.

#### **D. Amendments**

Any party to this MOA may propose that this MOA be amended, whereupon the parties will consult for no more than 30 days to consider such amendment. The amendment process shall comply with 36 CFR § 800.6(c)(7).

#### **E. Termination**

1. If this MOA is not amended as provided for in stipulation II.D., or if either signatory party proposes termination of this MOA for other reasons, the signatory party proposing termination shall, in writing, notify all other parties, explain the reasons for proposing termination, and consult with these parties for at least 30 days to seek alternatives to termination. Such consultation shall not be required if FHWA proposes termination because the undertaking no longer meets the definition set forth in 36 CFR § 800.16(y).
2. Should such consultation result in an agreement on an alternative to termination, then the parties shall proceed in accordance with the terms of that agreement.
3. Should such consultation not result in an agreement that avoids termination, the signatory party proposing termination may terminate this MOA by promptly notifying

the other parties in writing. Termination hereunder shall render this MOA without further force or effect.

4. If this MOA is terminated, and if FHWA determines that the undertaking will nonetheless proceed, then FHWA shall either consult in accordance with 36 CFR § 800.6 to develop a new MOA or request the comments of the ACHP pursuant to 36 CFR Part 800.

#### **F. Duration of this MOA**

1. Unless terminated pursuant to stipulation II.E., or unless it is superseded by an amended MOA, this MOA will be in effect following execution by FHWA and the SHPO until FHWA, in consultation with the other signatories, determines that all of its stipulations have been satisfactorily fulfilled. This MOA will terminate and have no further force or effect on the day that FHWA notifies the other signatories in writing of its determination that all stipulations of this MOA have been satisfactorily fulfilled.
2. The terms of this MOA shall be satisfactorily fulfilled within 5 years following the date of execution by FHWA and the SHPO. If FHWA determines that this requirement cannot be met, the signatories will consult to reconsider its terms. Reconsideration may include continuation of the MOA as originally executed, amendment, or termination. In the event of termination, FHWA will comply with stipulation II.E.4. if it determines that the undertaking will proceed notwithstanding termination of this MOA.
3. If the undertaking has not been implemented within 5 years following execution of this MOA by FHWA and the SHPO, this MOA shall automatically terminate and have no further force or effect. In such event, FHWA shall notify the other signatories in writing and, if FHWA chooses to continue with the undertaking, it shall again initiate review of the undertaking in accordance with 36 CFR Part 800.

#### **G. Effective Date**

This MOA shall take effect immediately upon execution by FHWA and the SHPO.

**EXECUTION** of this MOA by FHWA and the SHPO, its transmittal by FHWA to the ACHP in accordance with 36 CFR § 800.6(b)(1)(iv), and subsequent implementation of its terms, shall evidence pursuant to 36 CFR 800.6(c) that this MOA is an agreement with the ACHP for purposes of section 110 (l) of the Act, and shall further evidence that FHWA has afforded the ACHP an opportunity to comment on the undertaking and its effects on historic properties, and that FHWA has taken into account the effects of the undertaking on historic properties.

**Signatory Parties:**

**FEDERAL HIGHWAY ADMINISTRATION**

By: RL W Day Date: 11/5/2003

Title: North Region Team Leader

**CALIFORNIA STATE HISTORIC PRESERVATION OFFICER**

By: Stephen D. Wilkeson Dr. Knox Mellon Date: 11/5/03

Title: Deputy SHPO

**Concurring Party:**

**CALIFORNIA DEPARTMENT OF TRANSPORTATION**

By: Rita Khazee Date: 11/12/03

Title: District 1 Director